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Inventor: Craig S. Skinner
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REMARKS

By the foregoing Amendment, claims 1, 2, 4, 20, 21, and 23 have been amended. Other claims have been amended for mere formalities. In view of the foregoing amendments and following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections, and that they be withdrawn.

Objection to the Specification

At paragraph 2 of the Office Action, the Examiner objected to the amended abstract. By the amendment above, the Applicant has accommodated the Examiner's objection.

Rejection Under 35 U.S.C. §102

At paragraph 3 of the Office Action, the Examiner rejected claims 1-6, 8, 9, 12-25, 27, 28, and 31 as being anticipated by U.S. Patent No. 5,933,497 to Beetcher et al. (hereinafter "Beetcher"). Specifically, in referring to col. 6, lines 20-67 of Beetcher, the Examiner alleged that Beetcher disclosed a security method that enabled a computer system to execute a software module with an encrypted entitlement key containing at least a machine serial number and version number that indicates sufficient authority to execute. Here, the version number of Beetcher was alleged to be equivalent to Applicant's authorization level.

Beetcher's encrypted entitlement key includes a software version field 202 and a machine serial number field 204. As described, the value of software version field 202 will entitle distributed software at that version level and all previous (lower) levels to run on a particular computer for which the distributed software is authorized. *See*, FIG. 2 and col. 6, lines 20-36 of Beetcher. In other words, each encrypted entitlement key is designed to enable operation of particular software that is distributed. Thus, there exists within Beetcher an assignment between an encrypted entitlement key and a particular distributed software.

In the Examiner's comments to Applicant's previous response, the Examiner noted that "the version specified in the entitlement key will entitle [the] device to run software at that version level and all previous levels." In other words, the version field enables authorization of different versions of the same software application. *See*, page 2 of the Final Office Action mailed 3/1/2005.

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Applicant submits that this alleged teaching of Beetcher does not apply to Applicant's claimed invention. For example, Claim 13 recites:

h) comparing said first authorization level with a second authorization level assigned to said application, said first authorization level previously assigned to said electronic device

As stated, Applicant's authorization level is assigned to an electronic device. There is no correspondence to a particular application. This lack of correspondence enables the authorization level to apply to all controlled applications on the electronic device, not just to a particular controlled application. Since, Beetcher's version field applies to versions of a distributed software application, it cannot be applied to the computer as a whole.

For at least this reason, Applicant submits that Beetcher cannot anticipate Applicant's claim 13. The rejection of claim 13 is therefore traversed. Independent claims 1 and 20 have also been amended to clarify the correspondence between the authorization level and the electronic device. The rejection of independent claims 1 and 20 is therefore traversed for at least those reasons noted above with respect to claim 13. Since claims 2-5, 8, 9, 12, 14-19, 21-25, 27, 28 and 31 are dependent either directly or indirectly from one of independent claims 1, 13, and 20, the rejection of claims 2-5, 8, 9, 12, 14-19, 21-25, 27, 28 and 31 is also traversed for at least the reasons noted above.

Rejection Under 35 U.S.C. §103

At paragraph 4 of the Final Office Action, the Examiner rejected claims 7, 10, 11, 26, 29, and 30 as being unpatentable over Beetcher in view of U.S. Patent No. 6,526,512 to Siefert et al. As each of claims 7, 10, 11, 26, 29, and 30 are dependent either directly or indirectly from one of independent claims 1 and 20, the rejection of claims 7, 10, 11, 26, 29, and 30 is traversed for at least the reasons noted above.

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Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections, and that they be withdrawn. The Examiner is invited to telephone the undersigned representative if an interview might be useful for any reason.

Respectfully submitted,

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